

UNITED STATES DISTRICT COURT

for the
Eastern District of Missouri

In the Matter of the Search of }
INFORMATION ASSOCIATED WITH }
[REDACTED] THAT IS STORED AT }
PREMISES CONTROLLED BY INSTAGRAM, }
LLC. }
Case No. 4:20 MJ 335 DDN
SIGNED AND SUBMITTED TO THE COURT FOR
FILING BY RELIABLE ELECTRONIC MEANS

APPLICATION FOR A SEARCH WARRANT

I, Larry Stoddard, a federal law enforcement officer or an attorney for the government request a search warrant and state under penalty of perjury that I have reason to believe that on the following property:
INFORMATION ASSOCIATED WITH [REDACTED] THAT IS STORED AT PREMISES CONTROLLED BY INSTAGRAM, LLC., more fully described in Attachment A.

located in the NORTHERN District of CALIFORNIA, there is now concealed

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

Title 18, U.S.C., 922

firearms offenses

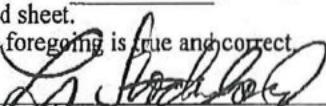
The application is based on these facts:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED HEREIN BY REFERENCE

Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

I state under penalty of perjury that the foregoing is true and correct.


Applicant's signature

LARRY STODDARD, Special Agent
ATF

Printed name and title

Sworn, to, attested to, and affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41.

Date: 11/20/2020

/s/ David D. Noce
Judge's signature

City and state: St. Louis, MO

Honorable David D. Noce, U.S. Magistrate Judge
Printed name and title

AUSA: Lisa M. Yemm

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Instagram profile with username:



that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Instagram, LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information, from July, 04, 2020 to present, to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account;
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other;
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account, including geotags;
- k. All data and information that has been deleted by the user;

- l. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of searches performed by the account, including all past searches saved by the account;
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

Instagram, LLC is hereby ordered to disclose the above information to the United States within 14 days of the date of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 922 (g)(1) (Prohibited Person in possession of a Firearm). involving [REDACTED] from July 04, 2020 to September 25, 2020 including, for each username identified on Attachment A, information pertaining to the following matters:

(a) [REDACTED] has used his account [REDACTED] the Subject Account, since July 04, 2020 to post multiple pictures/videos of various firearms and illegal drugs. [REDACTED] is a convicted felon and is a suspect in at least one shooting.

(b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;

- (c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Larry D. Stoddard, a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant pursuant to 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) and Federal Criminal Procedure 41 for information associated with [REDACTED] (the “Subject Account”) that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, (“Instagram”) a social-networking company owned by Facebook, Inc. and headquartered in San Francisco, California. The information to be searched is described in the following paragraphs and in Attachment A. The requested warrant would require Instagram to disclose to the United States records and other information in its possession, including the contents of communications, pertaining to the subscriber or customer associated with the subject account as further described in Attachment B.

2. Your affiant, Larry Stoddard, has been a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since September 2008. I am currently assigned to the Kansas City Field Division, Saint Louis Field Office. Your affiant’s duties involve conducting criminal investigations into illegal possession/transfer of firearms, firearms trafficking, violent crimes involving firearms and narcotics trafficking.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended

to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Section 922(g)(1) (Prohibited Person in possession of a Firearm) have been committed by [REDACTED] There is also probable cause to search the information described in Attachment A for evidence of these crimes and contraband or fruits of these crimes, as described in Attachment B.

LOCATION TO BE SEARCHED

5. The location to be searched is:

[REDACTED] (hereinafter referred to as "Subject Account") located at [REDACTED] further described in Attachment A. The items to be reviewed and seized by the United States are described in Attachment Part II of Attachment B

JURISDICTION

6. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), & (c)(1)(A). Specifically, the Court is "a district court of the United States . . . that has jurisdiction over the offense being investigated." 18 U.S.C. § 2711(3)(A)(i).

BACKGROUND RELATING TO INSTAGRAM

7. The Internet is in part a computer communications network using interstate and foreign telephone and communication lines to transmit data streams, including data streams used to provide a means of communication from one computer to another and used to store, transfer and receive data and image files.

8. An “Internet Protocol” (IP) address is a unique series of numbers, separated by a period, that identifies each computer using, or connected to, the Internet over a network. An IP address permits a computer (or other digital device) to communicate with other devices via the Internet. The IP addresses aids in identifying the location of digital devices that are connected to the Internet so that they can be differentiated from other devices. As a mailing address allows a sender to mail a letter, a remote computer uses an IP address to communicate with other computers.

9. An “Internet Service Provider” (ISP) is an entity that provides access to the Internet to its subscribers.

10. The term “remote computing service” means the provision to the public of computer storage or processing services by means of an electronic communications system.

11. Instagram, LLC is a business and company that operates as a remote computing service, a provider of electronic communications services through ISPs.

12. From my review of publicly available information provided by Instagram about its service, including Instagram’s “Privacy Policy,” I am aware of the following about Instagram and about the information collected and retained by Instagram.

13. Instagram owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.instagram.com>. Instagram allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and other information. Users can access Instagram through the Instagram website or by using a special electronic application (“app”) created by the company that allows users to access the service through a mobile device.

14. Instagram permits users to post photos to their profiles on Instagram and otherwise share photos with others on Instagram, as well as certain other social-media services, including

Flickr, Facebook, and Twitter. When posting or sharing a photo on Instagram, a user can add to the photo: a caption; various “tags” that can be used to search for the photo (e.g., a user made add the tag #vw so that people interested in Volkswagen vehicles can search for and find the photo); location information; and other information. A user can also apply a variety of “filters” or other visual effects that modify the look of the posted photos. In addition, Instagram allows users to make comments on posted photos, including photos that the user posts or photos posted by other users of Instagram. Users can also “like” photos.

15. Upon creating an Instagram account, an Instagram user must create a unique Instagram username and an account password. This information is collected and maintained by Instagram.

16. Instagram asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user’s full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Instagram. Once an account is created, users may also adjust various privacy and account settings for the account on Instagram. Instagram collects and maintains this information.

17. Instagram allows users to have “friends,” which are other individuals with whom the user can share information without making the information public. Friends on Instagram may come from either contact lists maintained by the user, other third-party social media websites and information, or searches conducted by the user on Instagram profiles. Instagram collects and maintains this information.

18. Instagram also allows users to “follow” another user, which means that they receive updates about posts made by the other user. Users may also “unfollow” users, that is, stop following them or block the, which prevents the blocked user from following that user.

19. Instagram allow users to post and share various types of user content, including photos, videos, captions, comments, and other materials. Instagram collects and maintains user content that users post to Instagram or share through Instagram.

20. Instagram users may send photos and videos to select individuals or groups via Instagram Direct. Information sent via Instagram Direct does not appear in a user’s feed, search history, or profile.

21. Users on Instagram may also search Instagram for other users or particular types of photos or other content.

22. For each user, Instagram also collects and retains information, called “log file” information, every time a user requests access to Instagram, whether through a web page or through an app. Among the log file information that Instagram’s servers automatically record is the particular web requests, any Internet Protocol (“IP) address associated with the request, type of browser used, any referring/exit web pages and associated URLs, pages viewed, dates and times of access, and other information.

23. Instagram also collects and maintains “cookies,” which are small text files containing a string of numbers that are placed on a user’s computer or mobile device and that allows Instagram to collect information about how a user uses Instagram. For example, Instagram uses cookies to help users navigate between pages efficiently, to remember preferences, and to ensure advertisements are relevant to a user’s interests.

24. Instagram also collects information on the particular devices used to access Instagram. In particular, Instagram may record “device identifiers,” which includes data files and other information that may identify the particular electronic device that was used to access Instagram.

25. Instagram also collects other data associated with user content. For example, Instagram collects any “hashtags” associated with user content (i.e., keywords used), “geotags” that mark the location of a photo and which may include latitude and longitude information, comments on photos, and other information.

26. Instagram also may communicate with the user, by email or otherwise. Instagram collects and maintains copies of communications between Instagram and the user.

27. As explained herein, information stored in connection with an Instagram account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, an Instagram user’s account activity, IP log, stored electronic communications, and other data retained by Instagram, can indicate who has used or controlled the Instagram account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, direct messaging logs, shared photos and videos, and captions (and the data associated with the foregoing, such as geo-location, date and time) may be evidence of who used or controlled the Instagram account at a relevant time. Further, Instagram account activity can show how and when the account was accessed or used. For example, as described herein, Instagram logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining

the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Instagram access, use, and events relating to the crime under investigation. Additionally, Instagram builds geo-location into some of its services. Geo-location allows, for example, users to “tag” their location in posts and Instagram “friends” to locate each other. This geographic and timeline information may tend to either inculpate or exculpate the Instagram account owner. Last, Instagram account activity may provide relevant insight into the Instagram account owner’s state of mind as it relates to the offense under investigation. For example, information on the Instagram account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

28. Based on the information above, the computers of Instagram are likely to contain all the material described above with respect to the Subject Account, [REDACTED] including stored electronic communications and information concerning subscribers and their use of Instagram, such as account access information, which would include information such as the IP addresses and devices used to access the account, as well as other account information that might be used to identify the actual user or users of the account at particular times.

PROBABLE CAUSE

29. On April 06, 2020, Detectives of the North County Police Cooperative were investigating a shooting which occurred in the area of Stephen Jones Avenue and Page Avenue in Wellston, Missouri. Two victims suffered gunshot wounds and one victim was later listed in critical condition. During our investigation, Detective Leonard of the North County Police Cooperative, DSN 228, obtained information from a confidential informant (CS1) who is documented by our department and has been deemed reliable in the past. CS1 receives payment in exchange for cooperation with law enforcements. In this investigation, CS1 provided law enforcement with a possible suspect of the shooting which occurred on April [REDACTED] 2020. CS1 identified [REDACTED] as the shooter.

30. [REDACTED] is a documented gang member from the [REDACTED] which operates in the St. Louis area. This information was obtained during the last year of during investigations within our department which included interviews of [REDACTED]'s known associates and information received additional confidential sources. This department's ongoing investigation of [REDACTED] is documented in various reports.

31. An inquiry into law enforcement databases regarding [REDACTED] revealed an extensive criminal history which included gun related violence. [REDACTED] is a convicted felon. Some of his felony convictions include but are not limited to Assault 1st Degree, Burglary 1st, Armed Criminal Action and for Possession of a Controlled Substance.

32. During the investigation into the shooting, Detective Jourdain Hartman, North County Police Cooperative, first located [REDACTED]'s Facebook account by reviewing Facebook "Friends" of a known associate of [REDACTED]. Based on his review of photographs, including profile

photographs, he recognized a Facebook account username of [REDACTED] which appeared to be in use by [REDACTED]. [REDACTED] Facebook account showed very little recent activity.

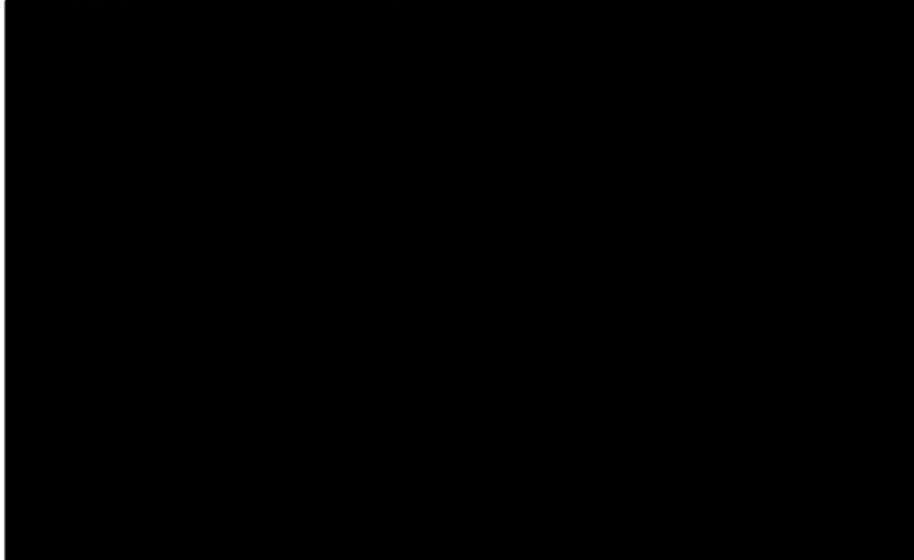
33. Detective Hartman conducted a search on Instagram using the same username,

Detective Hartman located the Instagram account with the username of [REDACTED] (herein after the “Predecessor Account”).

stories: After reviewing the stories from [REDACTED] the Predecessor Account has over 1000 videos/pictures of a male subject. After reviewing the videos/pictures and comparing them to recent arrest photographs of [REDACTED] Detective Hartman was able to positively confirm the male subject is [REDACTED] and believe the Predecessor Account belongs to Walker.

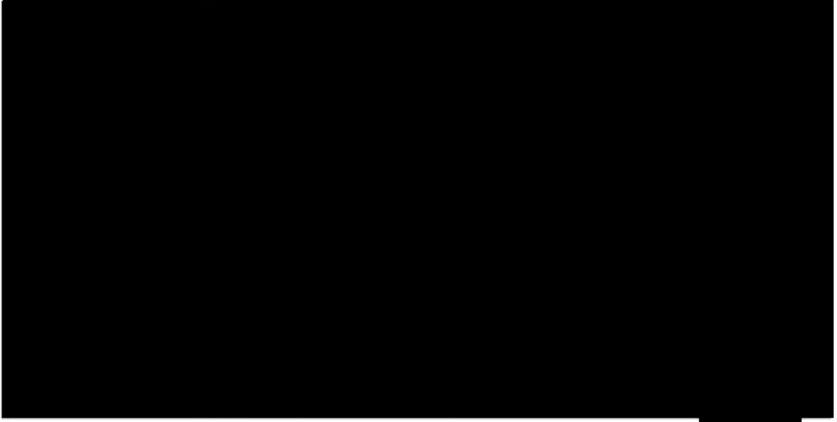
34. While investigating the Predecessor Account, Detective Hartman observed a large number of live stream posts, also called “stories,” of [REDACTED] either holding a firearm or being in close proximity of various firearms dating from 2018 to present. The following are a small sample of photographs [REDACTED] has posted on the Predecessor Account of himself possessing with apparent firearms:

a. Exhibit 1: On or about December, 29, 2019, [REDACTED] posted a photograph of himself apparently seated inside a car, holding what appears to be a rifle with his right hand, where the barrel is pointed in the air. The firearm, pictured below, appears to be equipped with a red dot sight:



b. Exhibit 2: On or about February 24, 2020, [REDACTED] posted a picture of him sitting on the ground with his legs crossed. [REDACTED] is holding a semi-auto rifle with both hands.

[REDACTED] also has 4 semi-automatic pistols and 2 other semi-automatic rifles on the ground next to his person:



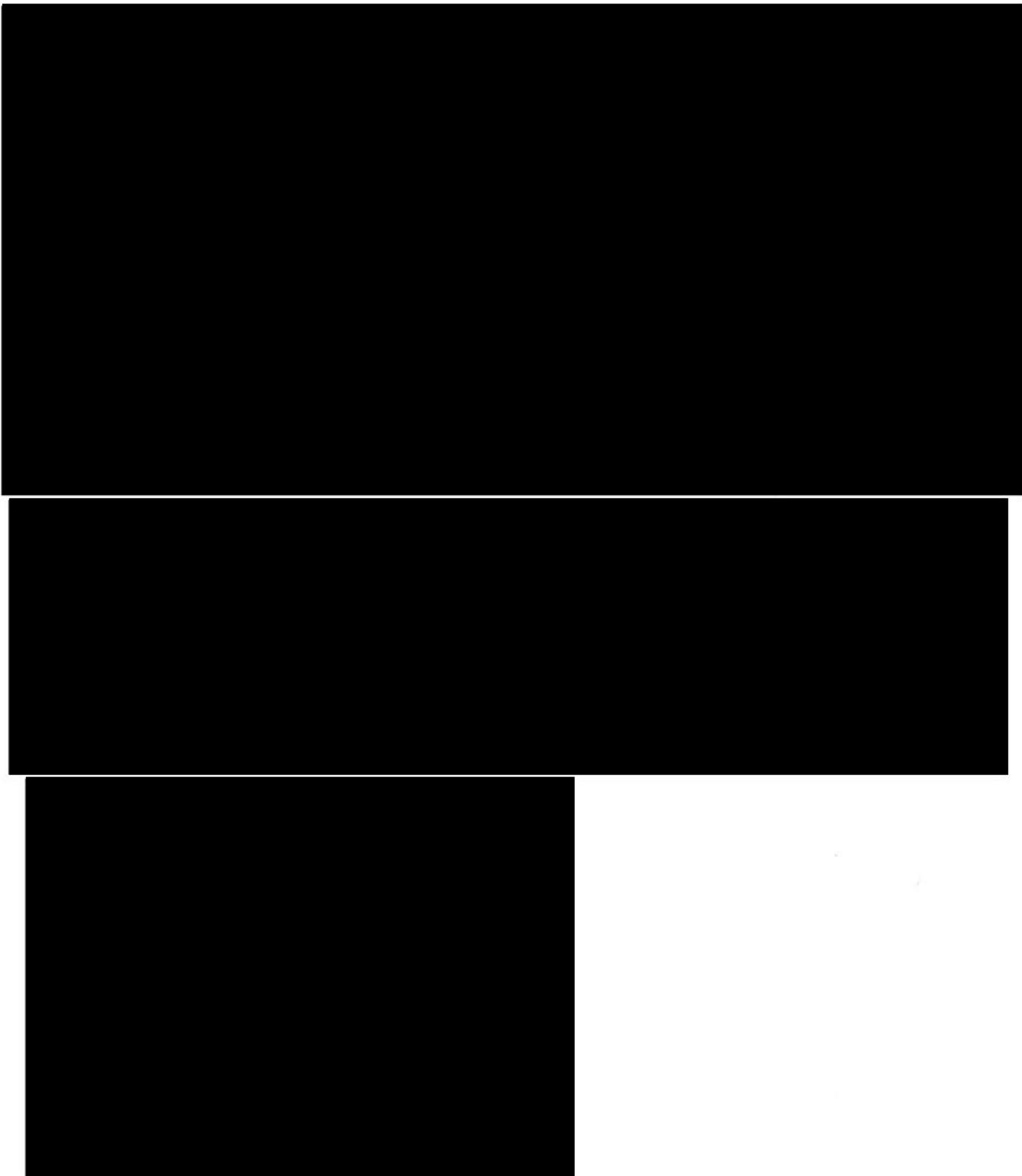
c. Exhibit 3: On or about February 24, 2020, [REDACTED] posted a photograph on the Predecessor Account of himself holding two semi auto rifles in each of his hands and appears to have a pistol sticking out of his right pants pocket.



35. On April 7 and 8, 2020 [REDACTED] made posts to the Predecessor Account which investigators believe are connected the shooting which occurred on [REDACTED] 2020. In the included below as Exhibit #4, [REDACTED] indicates he has live video of a shooting which investigators believe is in connection to our shooting:

d. Exhibit 4: April 7, 2020, [REDACTED] posted a video of himself rapping and dancing inside a vehicle. In the comments section of the post, [REDACTED] writes [REDACTED]





36. In addition, in April of 2020, investigators observed the Predecessor Account

posting live streamed videos. On April, 15, 2020, a preservation request was sent to Instagram/Facebook requesting the Predecessor Account, [REDACTED] to be persevered.

37. On May 1, 2020, investigators sought and obtained a federal search warrant for the Predecessor Account under Case [REDACTED] which they subsequently served on Instagram/Facebook.

38. On May 21, 2020 Facebook Inc Provided all data in regards to the Federal Search warrant on the Account [REDACTED]. The data was provided in two separate files called "Record PDF" and "Linked Media". In the records PDF, information gathered includes historical date of all post from the Account [REDACTED]. Records PDF also included internet protocol (IP) address, dates and times of post, Phone number and messages sent and received from the subject account. The Linked Media data file, provided all video and images from the account [REDACTED] including photographs and videos of [REDACTED] with firearms.

39. Investigators subsequently learned [REDACTED] has created a different Instagram account which uses the username of [REDACTED] (the Subject Account). The Subject Account was created early July, 2020. [REDACTED]

[REDACTED] While looking at the various posts, Detective Hartman observed a large number of videos/pictures posted. A large portion of the media posted, were videos of [REDACTED] by himself singing or talking to the camera. Detective Hartman also observed multiple photographs and videos of [REDACTED] holding or around firearms and has posted pictures of large amounts of suspect marijuana.

40. On September 06, 2020 Detective Hartman reviewed the Subject Account. While watching videos posted between September 1, 2020, and September 4, 2020, Detective Hartman

observed 5 videos of an individual wearing all black with a baseball cap. While watching the videos it appeared the individual was at a gun range. Detective Hartman observed the individual shooting various firearms, which included handguns and semi-automatic rifles. In one of the videos, the individual was shooting an AR-15 style firearm. Detective Hartman observed the individual shooting the rifle 12 times. After shooting, the individual turns and looks at the camera and states "I put a lot of shots in the middle of the circle." Detective Hartman recognized the individual as [REDACTED]. In the other four videos, Detective Hartman was unable to see [REDACTED] face. Detective Hartman believes the individual shooting in all five videos is [REDACTED], due to the fact the same clothing is worn in all five of the videos.

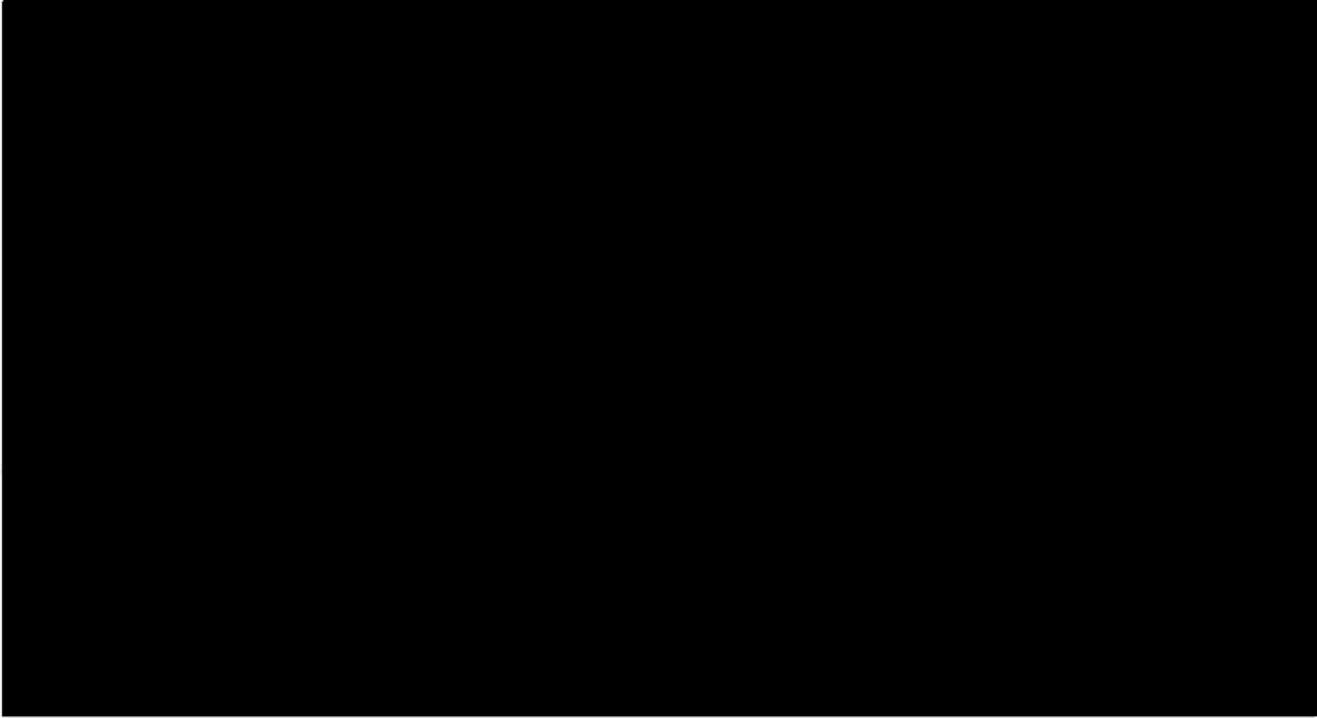
41. Detective Hartman has previously had two encounters with [REDACTED] in his capacity as a police officer for the North County Police Cooperative. Detective Hartman has also observed multiple booking photographs of [REDACTED]

42. Detective Burgess thereafter contacted Sharp Shooters Gun Range, located at 8135 Gravois Rd. The representative of the store confirmed an individual who identified himself as [REDACTED] had signed into utilize the gun range on September 1, 2020. Sharp Shooters representative advised us an identification card (ID) is needed to gain entry into their gun range.

43. In addition, two photo line-ups of [REDACTED] were created using the REJIS law enforcement computer system of Crime-Matrix. [REDACTED] is paired with five other individuals of similar appearance in both line-ups. On September 19, 2020 Detective Burgess responded to Sharp Shooters Gun Range and made contact with the range instructor who was working September 1, 2020, identified as [REDACTED]. Detective Burgess advised [REDACTED] the reason for the contact. Lambert was shown one of the photo line-ups and was asked if he recognized any individuals in the line-up shooting at Sharp Shooters, on September 1, 2020. [REDACTED] instantly

picked [REDACTED] photograph out of the lineup and stated this individual was shooting on September 1st. Also, [REDACTED] added he had seen [REDACTED] at the range shooting on multiple occasions. [REDACTED] was shown the additional lineup of walker and once again instantly picked [REDACTED] photograph out of the line-up. [REDACTED] advised that on September 1, 2020, [REDACTED] did not rent any firearms and had brought them into the range.

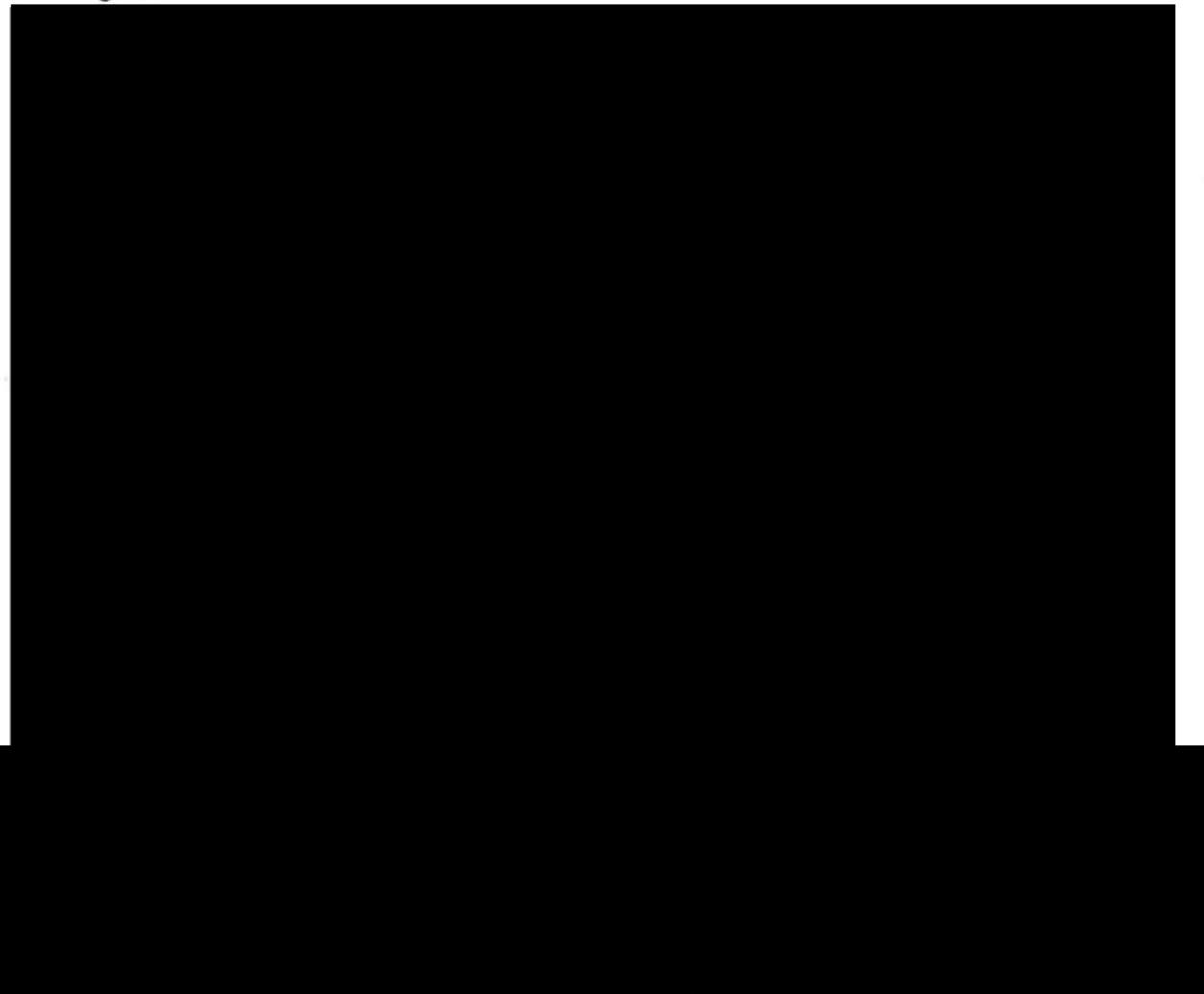
44. In addition to the videos of [REDACTED] shooting multiple firearms at Sharp Shooters. [REDACTED] has other pictures of himself, holding firearms and posting pictures of large amounts of suspect marijuana. The following are a small sample of photographs, which [REDACTED] has posted on the Subject Account of himself possessing with apparent firearms:

- a. Exhibit #6: On September 06, 2020, [REDACTED] posted a picture of himself in front of a gold Sports Utility Vehicle holding a semi-automatic rifle in his right hand:


b. Exhibit #7: On August 29, 2020, [REDACTED] posted a picture of five guns on a table.

Which includes 3 rifles and 2 handguns. [REDACTED] posted in the comment section of the post

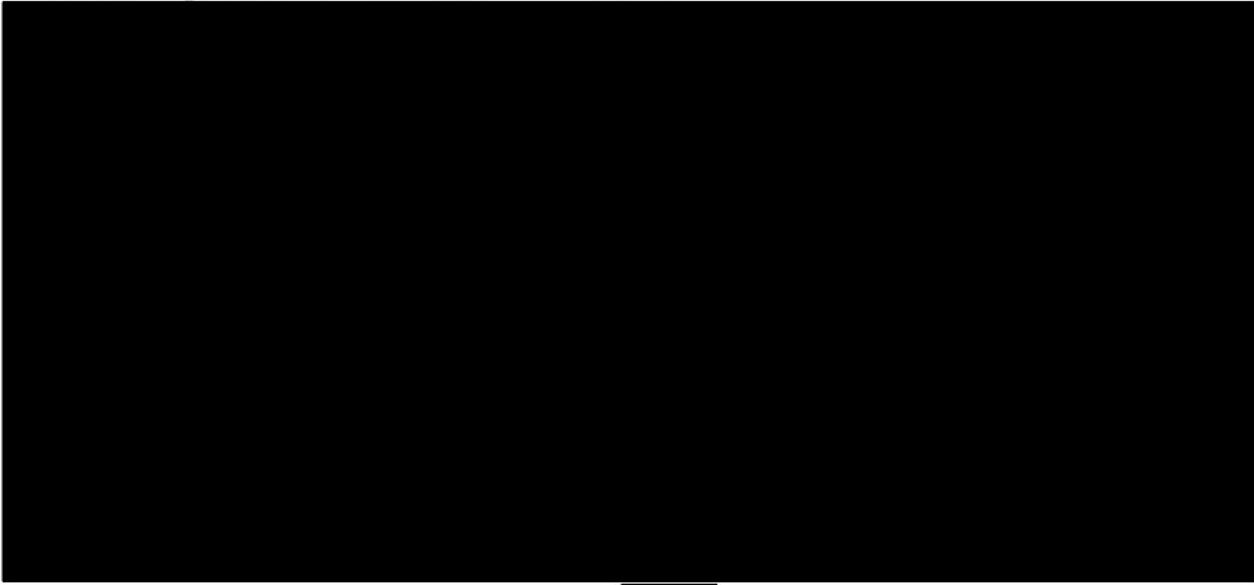
"Light work for Clowns!!!!!!":



c. Exhibit #8: On September 20, 2020, [REDACTED] posted a picture of two handguns,

(which appear to be recently purchased) [REDACTED] posted in the comment section "My collection

almost complete!!!!All I need is two 454's!!!!":



d. Exhibit #9 On July 14, 2020 [REDACTED] posted a picture of a large amount of suspect marijuana. Walker also posted in the comment section "Breakfast and Blunts":



45. [REDACTED] Account [REDACTED] has been actively posting live streamed videos and pictures. [REDACTED] last video was posted on November 12, 2020. A preservation request was sent to Instagram/Facebook requesting the Subject Account, [REDACTED] be

persevered on September 14, 2020 and Instagram/Facebook confirmed the information will be preserved under case number of 5285589 through February 11, 2021.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

46. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Instagram to disclose to the United States copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, United States-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

47. Based on the forgoing, I request that the Court issue the proposed search warrant. The United States will execute this warrant by serving the warrant on Instagram. Because the warrant will be served on Instagram, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

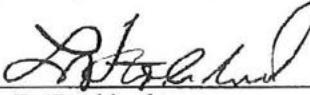
48. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

49. I further request that the Court order that all papers in support of this application, including the affidavit and warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise

seriously jeopardize the investigation.

I state under the penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Larry D. Stoddard
ATF Special Agent

Sworn to, attested to, or affirmed before me via reliable electronic means pursuant to Federal Rules of Criminal Procedure 4.1 and 41 this 20th day of November, 2020.

/s/ David D. Noce
The Honorable David D. Noce
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Instagram profile with username:



that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Instagram, LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information, from July, 04, 2020 to present, to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account;
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other;
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account, including geotags;
- k. All data and information that has been deleted by the user;

1. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of searches performed by the account, including all past searches saved by the account;
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

Instagram, LLC is hereby ordered to disclose the above information to the United States within 14 days of the date of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 922 (g)(1) (Prohibited Person in possession of a Firearm). involving [REDACTED] from July 04, 2020 to September 25, 2020 including, for each username identified on Attachment A, information pertaining to the following matters:

- (a) [REDACTED] has used his account [REDACTED] the Subject Account, since July 04, 2020 to post multiple pictures/videos of various firearms and illegal drugs. [REDACTED] is a convicted felon and is a suspect in at least one shooting.
- (b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;

- (c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

)

) Case No. 4:20 MJ 335 DDN

INFORMATION ASSOCIATED WITH

THAT IS STORED AT PREMISES) SIGNED AND SUBMITTED TO THE COURT FOR
CONTROLLED BY INSTAGRAM, LLC.) FILING BY RELIABLE ELECTRONIC MEANS

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the NORTHERN District of CALIFORNIA (*identify the person or describe the property to be searched and give its location*):

INFORMATION ASSOCIATED WITH [REDACTED] THAT IS STORED AT PREMISES
CONTROLLED BY INSTAGRAM, LLC., more fully described in Attachment A.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (*identify the person or describe the property to be seized*):

SEE ATTACHMENT B

YOU ARE COMMANDED to execute this warrant on or before December 3, 2020 (*not to exceed 14 days*)

in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to David D. Noce
(*United States Magistrate Judge*)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

for _____ days (*not to exceed 30*) until, the facts justifying, the later specific date of _____.

Date and time issued: November 20, 2020, at 10:50 a.m. /s/ David D. Noce
Judge's signature

City and state: St. Louis, MO

Honorable David D. Noce, U.S. Magistrate Judge
Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return		
Case No.: 4:20 MJ 335 DDN	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: _____	<i>Executing officer's signature</i>	
<i>Printed name and title</i>		

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Instagram profile with username:



that is stored at premises owned, maintained, controlled, or operated by Instagram, LLC, a company that is owned by Facebook, Inc. and headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Instagram, LLC

To the extent that the information described in Attachment A is within the possession, custody, or control of Instagram, LLC, including any messages, records, files, logs, or information that have been deleted but are still available to Instagram, LLC, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Instagram, LLC is required to disclose the following information, from July, 04, 2020 to present, to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, phone numbers, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All activity logs including IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- e. All information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- f. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- g. All communications or other messages sent or received by the account;
- h. All user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other;
- i. All photographs and images in the user gallery for the account;
- j. All location data associated with the account, including geotags;
- k. All data and information that has been deleted by the user;

1. A list of all of the people that the user follows on Instagram and all people who are following the user (*i.e.*, the user's "following" list and "followers" list), as well as any friends of the user;
- m. A list of all users that the account has "unfollowed" or blocked;
- n. All privacy and account settings;
- o. All records of searches performed by the account, including all past searches saved by the account;
- p. All information about connections between the account and third-party websites and applications; and,
- q. All records pertaining to communications between Instagram, LLC and any person regarding the user or the user's Instagram account, including contacts with support services, and all records of actions taken, including suspensions of the account.

Instagram, LLC is hereby ordered to disclose the above information to the United States within 14 days of the date of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Section 922 (g)(1) (Prohibited Person in possession of a Firearm). involving [REDACTED] from July 04, 2020 to September 25, 2020 including, for each username identified on Attachment A, information pertaining to the following matters:

(a) [REDACTED] has used his account : [REDACTED] the Subject Account, since July 04, 2020 to post multiple pictures/videos of various firearms and illegal drugs [REDACTED] is a convicted felon and is a suspect in at least one shooting.

(b) Evidence indicating how and when the Instagram account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Instagram account owner;

- (c) Evidence indicating the Instagram account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF:)
INFORMATION ASSOCIATED WITH) No. 4:20 MJ 335 DDN
[REDACTED] THAT IS STORED AT)
PREMISES CONTROLLED BY) SIGNED AND SUBMITTED TO THE COURT
INSTAGRAM, LLC.) FOR FILING BY RELIABLE ELECTRONIC MEANS

MOTION FOR SEALING ORDER

COMES NOW the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Lisa M. Yemm, Assistant United States Attorney for said District, and moves this Court for an order directing that the search warrant, along with its application, affidavit, and return, entered by this Court be sealed until May 20, 2021, except for the limited purposes of providing same to defense counsel pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure.

In support of this Motion, the Government provides the following facts, establishing that (a) the government has a compelling interest in sealing the documents in question which outweighs the public's qualified First Amendment right of access to review those documents; and (b) no less restrictive alternative to sealing is appropriate or practical:

Because this investigation is ongoing and its success would be jeopardized if the contents of the affidavit were made public, the Government requests that the affidavit and the accompanying search-warrant documents be sealed for the stated period of time.

WHEREFORE, for the reasons stated above, the Government respectfully requests that the search warrant, along with its application, affidavit, and return, be sealed until May 20, 2021.

Dated this 20th day of November, 2020.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Lisa M. Yemm
LISA M. YEMM, #64601MO
Assistant United States Attorney

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF:)
)
INFORMATION ASSOCIATED WITH) No. 4:20 MJ 335 DDN
[REDACTED] THAT IS STORED AT)
PREMISES CONTROLLED BY) SIGNED AND SUBMITTED TO THE COURT
INSTAGRAM, LLC.) FOR FILING BY RELIABLE ELECTRONIC MEANS

ORDER

On motion of the United States of America, IT IS HEREBY ORDERED that the search warrant, along with its application, affidavit, and return, and this Order issued thereto, be sealed until May 20, 2021, except for the limited purposes of providing same to defendant counsel pursuant to Rules 12 and 16 of the Federal Rules of Criminal Procedure.

This Order is based upon the sealed motion of the Government establishing that: (a) the government has a compelling interest in sealing the documents in question which outweighs the public's qualified First Amendment right of access to review those documents; and (b) no less restrictive alternative to sealing is appropriate or practical.

/s/ David D. Noce
DAVID D. NOCE
United States Magistrate Judge

Dated this 20th day of November, 2020.